In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.6628/06
Kainhya and another Vs. State of Rajasthan

Date Of Order :: 16th November, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. L.S. Tomer, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioners, learned Public Prosecutor for the State, perused the case diary including the impugned order passed by Sessions Judge, Bharatpur and other material including the application produced before the Sessions Court on behalf of the complainant Jamuna Devi along with her affidavit.

It is contended on behalf of the accused petitioners that they have falsely been implicated in this matter with the intention to extract money. It is also contended that the complainant Jamuna Devi is a lady of easy virtues and earlier also she was indulged in making this type of false complaints and after investigation all the complaints were found to be concocted and false. It is also submitted that police has thoroughly conducted the investigation and submitted final report negative but on the protest petition the Judicial Magistrate No.2, Bharatpur took the cognizance and issued warrant of arrest against the accused petitioners. It is also submitted that an application on behalf of the complainant Jamuna Devi along with her

affidavit was filed before the Sessions Court denying that the accused persons committed rape on her.

Learned Public Prosecutor opposed the bail application.

Without making any observation on merits, having considered the rival submissions made at the bar, nature of accusation, material collected during the course of investigation and also the fact that police after investigation filed final report negative and all other facts and circumstances, I deem it proper to direct the Judicial Magistrate No.2, Bharatpur to issue bailable warrant against the accused petitioners in the sum of Rs.10,000/- each in place of warrant of arrest.

Ordered accordingly. The bail application stands disposed of.

(J.R. Goyal),J

VS Shekhawat/-
Jr. P.A.